

**ORIGINAL**

Attorney Docket No. Le A 35 821

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

National Stage in the U.S. of

International Application No.: PCT/EP02/14288

International Filing Date: 12/16/2002

U.S. Application No.: 10/500,096

First Named Inventor: Martin Hendrix

Title: 2-Heteroarylcarboxylic Acid Amides

**CERTIFICATION OF MAILING UNDER 37 C.F.R. 1.8(a)**

I hereby certify that this correspondence and any papers referred to as attached are being deposited, on the date shown below, with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to MAIL STOP PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: **JAN 07 2005**  
Signature of person certifying

**Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C. 371**

This replies to the Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed to applicants on 12/09/2004. A copy of Form PCT/DO/EO/905 is enclosed.

**DECLARATION OR OATH**

No declaration or oath was filed. Enclosed is the original declaration or oath for this application (35 U.S.C. 371 (c)(4)).

**COMPLETION FEES**

Surcharge fee for late filing of original declaration or oath (37 C.F.R. 1.492(e)) \$130.00.

### ADDITIONAL CLAIMS FEE

Form PCT/DO/EO/905 indicates that additional claims fees are due for this application in the amount of \$390.00 as described below:

- \$90.00 for 5 total claims over 20.
- \$300.00 for multiple dependent claim surcharge.

Applicants wish to clarify for the record that the extra claims fee submitted on 06/24/2004 was calculated based on the preliminary amendment attached to the application papers.

The extra claims fee was calculated as follows:

DETERMINATION OF CLAIMS FEE			
Claims remaining after preliminary amendment filed on 06/24/2004	Number Filed	Number Extra	Fee Paid
Total Claims	12 - 20 =	0	\$ 00.00
Independent Claims	6 - 3 =	3	\$258.00
Multiple Dependent Claims	0	0	\$ 00.00

Since payment for the additional claims in the amount of \$258.00 was made on Form PTO-1390, Applicants believe that no extra claims fee is due for this application.

### PAYMENT OF FEES

The Commissioner is hereby authorized to charge the fee under 37 C.F.R. 1.492(e) in the amount of **\$130.00** to Deposit Account No. 13-3372. A duplicate of this request is attached.

The Commissioner is also authorized to charge any additional fees, any underpayment of fees, and credit any overpayment to the above deposit account.

01/14/2005 LLANDGRA 00000043 133372 10500096

01 FC:1617 130.00 DA

Date: **JAN 07 2005**

Registration No. 48,972

Phone: (203) 812-6450

Respectfully submitted,

  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/500,096	Hendrix et al	Le A 35 821

INTERNATIONAL APPLICATION NO.

PCT/EP02/14288

I.A. FILING DATE

PRIORITY DATE

12/16/2002

12/27/2001

35969

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 BAYER PHARMACEUTICALS CORPORATION  
 400 MORGAN LANE  
 WEST HAVEN, CT 06516

CONFIRMATION NO. 7642

371 FORMALITIES LETTER



\*OC000000014700082\*

Date Mailed: 12/09/2004

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/24/2004
- Copy of the International Search Report filed on 06/24/2004
- Copy of IPE Report filed on 06/24/2004
- Preliminary Amendments filed on 06/24/2004
- Information Disclosure Statements filed on 06/24/2004
- Request for Immediate Examination filed on 06/24/2004
- U.S. Basic National Fees filed on 06/24/2004
- Priority Documents filed on 06/24/2004

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of **\$390** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- **\$130** Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$520** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$ 390**
  - **\$90** for **5** total claims over 20.
  - **\$300** for multiple dependent claim surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

LAMONT M HUNTER

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**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/500,096	PCT/EP02/14288	Le A 35 821